

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. §§ 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.07 B, Closed Area No. 19, Wood Island to Malaga Island, Phippsburg, promulgated on March 14, 2003, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.07 B, Closed Area No. 19, Wood Island to Malaga Island, Phippsburg.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the New Meadows River, Phippsburg, north of a line beginning at Newbury Point, extending to the north tip of Little Wood Island, then continuing to the southwest point of Carrying Place Head; AND east of a line from the north end of Carrying Place Head to the south end of Burnt Coat Island; AND within 500 feet of the west side of Burnt Coat Island; AND south of a line from the north end of Burnt Coat Island, extending due east to the mainland.
2. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the New Meadows River, Phippsburg, north of a line beginning at the point of land on the west side of Round Cove, extending to the south end of Harbor Island; AND east of a line from the northwest end of Harbor Island to the south end of Malaga Island; AND south of a line from the north end of Malaga Island, extending due east to the mainland
3. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the New Meadows River, Phippsburg, from May 1 through September 30, inside of a line beginning at the point of land on the west side of Round Cove, extending to the north tip of Burnt Coat Island, then continuing due east to the mainland.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. § 6204).

EFFECTIVE DATE: October 6, 2004

AGENCY CONTACT PERSON: Amy M. Fitzpatrick
Department of Marine Resources
194 McGowan Point Rd
West Boothbay Harbor, ME 04575

TIMES RECORD
October 13, 2004

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.07 B, Closed Area No. 19, Wood Island to Malaga Island, Phippsburg, promulgated on March 14, 2003, and replaces it with a new regulation. This new regulation re-describes the seasonal closure at Round Cove and the two adjacent closed areas in Phippsburg. This is an administrative change.

Department personnel have determined that closed areas are subject to intermittent microbiological contamination, which poses a threat to public health. Consequently, these areas will remain closed for shellfish harvesting.



HAROLD C. WINTERS

ADMINISTRATIVE OFFICER FOR GEORGE D. LAPOINTE,
COMMISSIONER AS AUTHORIZED BY 12 M.R.S.A. § 6023



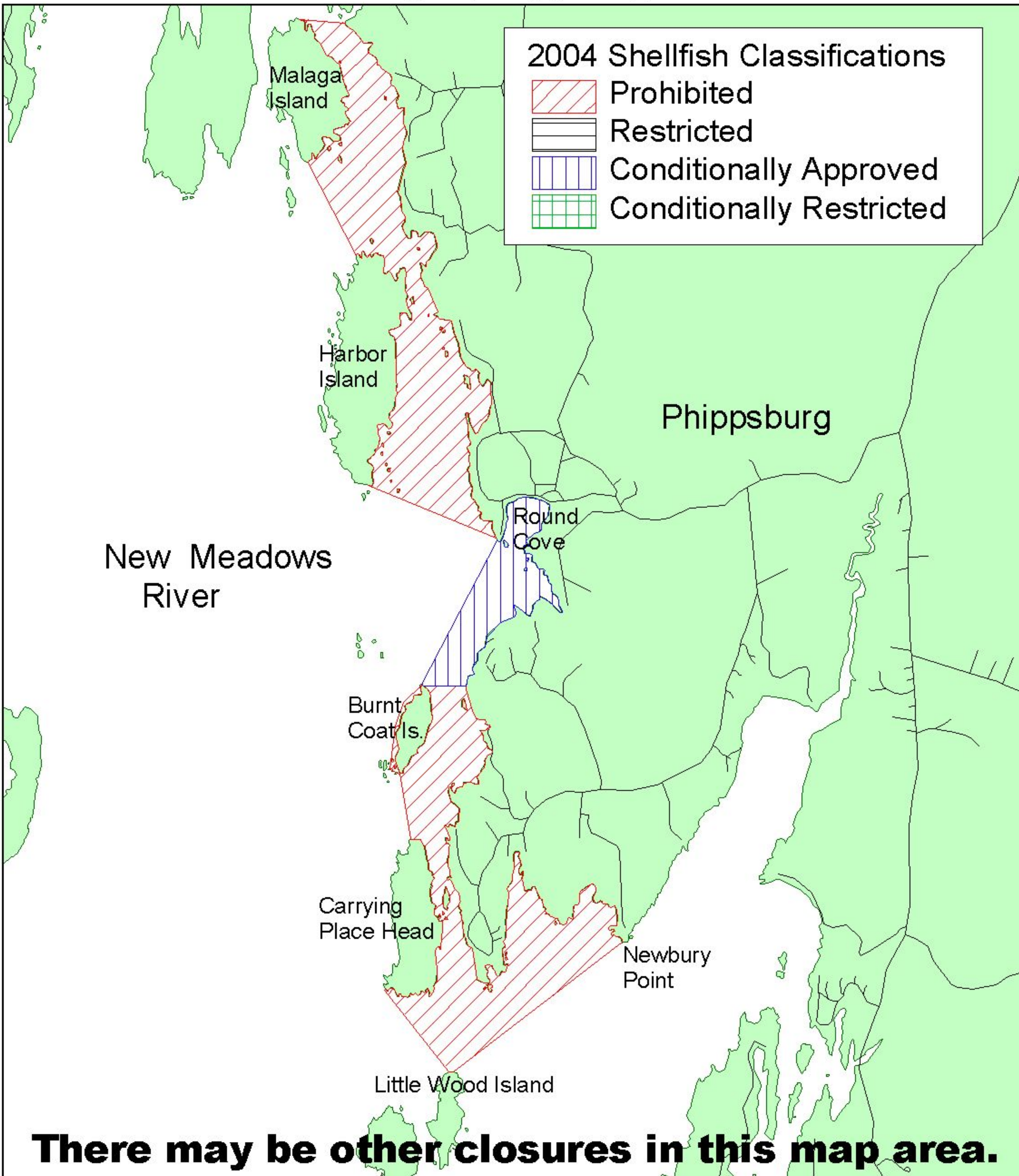
Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

10/6/04



C19 Wood Is-Malaga Is, Phippsburg



0.4 0 0.4 0.8 Miles